

FILED

AUG 05 2024

UNITED STATES DISTRICT COURT

For the

WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY J.F.
DEPUTY CLERK

SA24CA0856 JKP

Eve Escobedo

§ CAUSE _____

Plaintiff/Complainant

§

V

§

JURY TRIAL DEMANDED

Mario Orellana and Grahana Media Group

§

d/b/a KSAT 12 and Niece Bell and

§

28 U.S.C. § 4101

Southern Newspapers d/b/a New

§

Cyber-Libel Defamation

Braunfels Herald Zeitung

§

Defendants

§

§

§

§

Complaint for Cyber-Libel also known as Internet Defamation of Character of a private individual resulting from an online false publication which crossed State lines to the public as a statement of fact.

Plaintiff, appearing Sui Juris, brings this complaint against defendants and alleges as follows:

Introduction:

1 This civil action seeks damages against the defendants for Cyber-libel internet defamation of the Plaintiff a private individual.

Jurisdiction and Venue

2.This Court has General Jurisdiction and Venue over this action because the harmful statement giving rise to this claim occurred in this district and crossed State lines involving internet online defamation.

Venue

4. Venue is proper in this Judicial District under 28 U.S.C § 1391(b) because the events giving rise to claims occurred in this District and this court has Jurisdiction because the event crossed State lines.

Parties

4. **Plaintiff**, Eve Escobedo is a resident of Spring Branch, Texas and is proceeding Sui Juris

5. **Defendants**, Mario Orellana and Graham Media Group d/b/a KSAT 12, Niece Bell and Southern Newspapers d/b/a New Braunfels Herald Zeitung are of the State of Texas.

6. On or about August 5, 2022, Plaintiff a Hispanic female and a victim of domestic violence, was fraudulently defamed online by the defendants on the internet online and the defamation story crossed State Lines also known as cyber-libel defamation.

Elements of Cyber/libel Defamation

1. Defamatory Imputation, an allegation of a discreditable act or condition about another person
2. Publication, the defamatory statement must be published to a third party and come to their knowledge
3. Identity of the defamed person, the person defamed must be identified.
4. Malice, the defendant must have acted with malice; malice is beyond mere negligence-the defendant must have known the statement was not true or acted with reckless disregard for whether or not the statement was true.
5. The statement is one that a person of ordinary intelligence would understand as harming a person's reputation or subjecting them to ridicule.
6. Exposed the figure to hatred, contempt or ridicule
7. Caused financial harm
8. Impeached the figures honesty, integrity, virtue, or reputation.
9. False light Invasion of Privacy
10. Intentional interference with personal and business life
11. Intention Infliction of emotional distress

7. Plaintiff invokes that the **Discovery Rule** applies to her discovery due to the delayed awareness and equitable tolling of the Plaintiff discovery conditions. The Discovery rule further applies to this matter by reason of the discovery time events pertinent to the legal elements which led the Plaintiff to discovering the online cyber defamation story which are tied into the defamation of this matter.

8. Plaintiff Discovered this cyber-libel defamation in the fall of 2023 and is within her 1year statute of limitations to bring this matter to Court.

Factual Information:

Timeline of Published Cyber-libel Defamation

August 2022 – Spring 2024 (KSAT 12 online)

August 2022- Fall 2023 (New Braunfels Herald Zeitung online)

Mario Orellana and Graham Media Group d/b/a KSAT 12 and Niece Bell and Southern Newspapers d/b/a New Braunfels Herald Zeitung wrote and published a story of “Woman charged in murder”.

1. KSAT 12, Mario Orellana and the journalist Victoria Lopez agreed to publish woman charged in murder a FALSE statement, stated as a fact.
Every day the story was republished online as fact Until the Plaintiff sent them a cease-and-desist letter and it was removed in the Spring of 2024
2. New Braunfels Herald Zeitung, Niece Bell and the journalist Will Wright agreed to publish a story woman charged in murder a False statement, stated as a fact from August of 2022 and was republished every day like a new story defaming the Plaintiff each day until they removed the story sometime in the fall of 2023.
3. The statement each media and their news team published was negligent and in clear disregard to the facts of the charge. Because all any of them had to do was research the Plaintiff’s name or call the public information officer at Comal County for the facts.
4. The online story these two media published is Oppression, they simply treated and controlled the Plaintiff in their online story with unjust treatment and outrageous defamation.
5. Oppression is the opposite of Freedom of Speech, and this type of speech **is NOT protected under the First Amendment** right. **See (the United States v. Stevens(2010))** The prevention and punishment of fraud has never been thought to raise any Constitutional problem.
See(the United States v. Hansen (2023)) “fraudulent representations through speech for personal gain are not protected by the First Amendment” **See(McDonald v. Smith (1985))** *The Supreme Court recognized that the first Amendment’s Petition Clause was inspired by the same ideals of Liberty and democracy that gave us the freedoms to speak, publish, and assemble, and therefore, there is no sound basis for granting greater Constitutional protection to statements made in a petition... Than other First Amendment expressions. As, a result the Supreme Court’s recognition that fraud falls outside the protections of the First Amendment guarantee of free speech is equally fatal to any claim that there’s a right to submit fraudulent petitions to the federal government.*

See Exhibit A

Affidavits of Witnesses who read the stories of woman charged in murder

See Exhibit B

Third Party Medias republishing the story as a Story of fact

See Exhibit C

Other Medias Reporting as Comal County reported in their online stories.

6. The United States Constitution ***does not ensure*** freedom of the press and freedom of speech ***if the message incites violence or defamation.***
7. Truth, is they Published an outrageous fraudulent story online and defamed the reputation and character of the Plaintiff and incited readers to believe and make hateful opinions about the Plaintiff causing severe mental anguish and undue stress to the Plaintiff.
8. Truth, is they *acted with reckless disregard*, and created a false online story and in such creating tremendous Negligent and Intentional infliction of emotional distress to the Plaintiff upon her Discovering the online defamation.
9. *Mario Orellana, Victoria Lopez, and KSAT 12, Niece Bell, and the New Braunfels Herald Zeitung* were simply negligent and in so rightfully responsible for this claim to include Negligent Infliction of Emotional Distress, and Intentional Infliction of Emotional Distress:
10. Statute of limitations for ***Intentional Infliction of Emotional Distress and Negligent Infliction of Emotional Distress*** Texas Civil Practices and Remedies Code Section 16.003 two-year statute of limitations from the publishing data, and this claim is within the statute's limit. Plaintiff seeks redress for this State remedy.

See Exhibit D

Correspondences verbally showing mental anguish and undue stress of Plaintiff

Cyber-libel Defamation

1. Publishers cannot just write whatever they want and hide behind the First Amendment for protection of their neglect. ***see. Leshner v. Topix (SECOND DISTRICT OF TEXAS FORT WORTH NO. 02-12-00360-CV) See Michael Mann v. Steyn (No. 14-CV-101 No.14-CV-126***
The Superior Court found that statements made by the writers were defamatory, relied on provably false facts. And were false.

See. Cubby, inc. v. CompuServ Inc., (776 F.Supp. 135 (S.D.N.Y. 1991) United States District Court for Southern District of New York held that internet service providers were subject to traditional defamation law for their hosted content.

See. Straton Oakmont vs. Prodigy, (23 Media L.Rep. (BNA) 1794 (N.Y. Sup.Ct.(1995) The Court held that Prodigy was liable as the publisher

Discovery Rule:

1. The Texas Supreme Court ruled that the discovery rule did not defer the accrual of Triex's cause of action **Until it knew** that Marcus & Millchap caused its injury.
See. Marcus & Millchap investment Services of Nevada, b Triex Holdings, Inc,LLC Texa 2022

The **discovery rule** is an exception to a legal principle related to case law; to the standard statute of limitations in defamation cases. Typically, the statute of limitations begins when the defamatory statement is made or published. However, **under the discovery rule** the clock starts ticking only when the Plaintiff discovers, or reasonably should have discovered, the defamatory statement.

This rule is particularly useful in cases where the defamation was not immediately apparent or was concealed

See Exhibit D

Correspondences Confirming Plaintiff's Discovery

Complaint:

A fraudulent malicious story was **published and republished** on their media every day until removal. Each day it was automatically re-publishing as a fact and with each new day leading readers to believe the story as fact; and further destroying the character and reputation of the Plaintiff. For this egregious action Plaintiff seeks monetary remedy, and a public published admission that the story they published was wrong.

Relief as follows:

1. Mario Orellana:

Damages: Compensatory \$1M Or to be determined at trial

Punitive to be determined at trial

Negligent and Intentional Infliction of Emotional Distress to be determined at trial

1. Graham Media d/b/a KSAT 12:

Damages: Compensatory \$25M Or to be determined at trial

Punitive to be determined at trial

Negligent and Intentional Infliction of Emotional Distress to be determined at trial

2. Niece Bell: Damages: Compensatory \$1M Or to be determined at trial

Punitive to be determined at trial

Negligent and Intentional Infliction of Emotional Distress to be determined at trial

3. Southern Newspapers d/b/a New Braunfels Herald Zeitung:

Damages: Compensatory \$25M Or to be determined at trial

Punitive to be determined at trial

Negligent and Intentional Infliction of Emotional Distress to be determined at trial

Respectfully Submitted on August 5, 2024



Eve Escobedo

193 Navigator

Spring Branch, TX 78070

1latinality@gmail.com

713-240-1789

Exhibit A

(Pages A1-A6)

This affidavit is for Eve Escobedo. My name Carmen Lopez Regalado.

My address is 2205 Goodwin Ln. # 5103, New Braunfels, Texas 78130.
You may also reach me at my phone 830-221-7166.

My date of birth is 05-23-59.

I learned about Eve Escobedo's legal issues with comal county law enforcement first through my neighbor who told me about her being charged with Murder.

I also saw Eve Escobedo in the story televised on news KSAT 12 San Antonio.

I read about Eve Escobedo being charged in murder from reading the New Braunfels Herald Zeitung online.

I read about Eve Escobedo confessing to the crime and being charged in murder from KSAT 12 online news.

I continued to read up the stories myself looking for any updates about the stories. The New Braunfels Herald wrote a story about her being charged with murder in August of 2022 and that story was active online up until the time in the fall 2023.

KSAT 12 News wrote a story about Eve Escobedo being Charged in Murder saying she confessed to the crime. This story I know was active online appearing like a statement of fact in Early 2024.

Carmen Lopez Regalado

March 28, 2024

Signature

Date

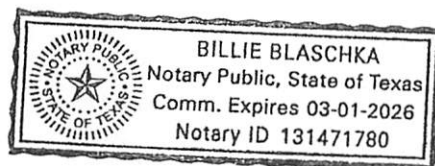
STATE OF TEXAS

COUNTY OF COMAL

Sworn to and subscribed before me on the March 28, 2024 of March 2024

Billie Blaschka

Notary Signature



March 18, 2024

This affidavit is for Eve Escobedo. My name is Javier Esqueda Jr. My address is 1295 Katy St., New Braunfels, Texas 78130. You may also reach me at my phone 830-312-6274. My date of birth is 09/14/1971.

I learned about Eve Escobedo's legal issues with comal county law enforcement first through my family members who told me about the stories and showed me the stories written about her being charged with murder and she being arrested on a tampering with evidence in Comal County Texas.

I continued to read up the stories myself looking for any updates about the stories. The New Braunfels Herald wrote a story about her being charged with murder in August of 2022 and that story was active online up until the time in November 2023.

I read the story from newsbreak about the system failing Eve Escobedo which was published in November of 2023, which is no longer an available story today; however the headline is there still today reading "Opinion: System Failed Texas Woman accused of murder after being...and I have a photo to show the headline which include her name.

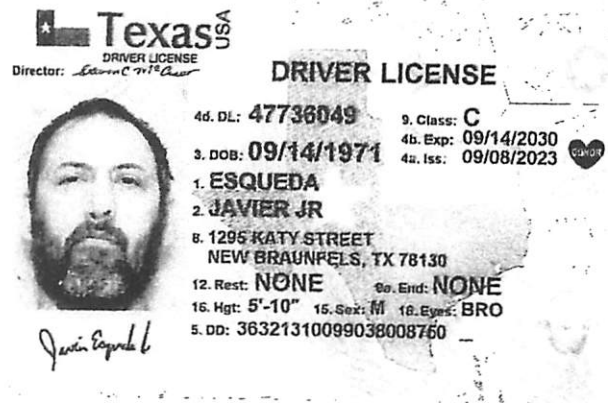
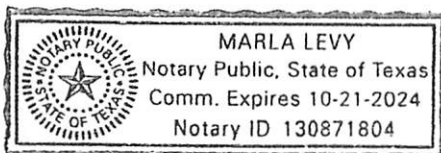
KSAT 12 News wrote a story about her being Charged with Murder saying she confessed to the crime. This story I know was active online appearing like a statement of fact in Early 2024.

Javier Esqueda Jr 3-18-24
 Sign Date
Javier Esqueda Jr
 Print

State of Texas Guadalupe County
 Sworn to and subscribed before

me on the 18 day of March, 2024

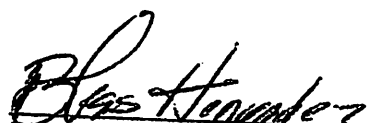
Marla Levy
 Notary Public's Signature



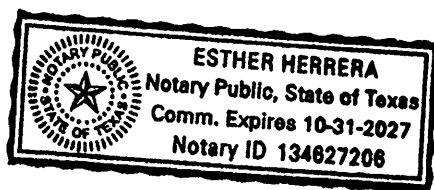
This affidavit is for Eve Escobedo. My name is Blas Francisco Gonzalez Hernandez. My address is 600 E. Carson, San Antonio Texas 78206. My phone number where I may be reached is 832-666-9096. I learned about Eve Escobedo and her legal issues with Comal County through the news online in August of 2022. Univision news stated online that Eve Escobedo had been arrested for tampering with evidence after defending herself.

I read about Eve Escobedo being charged in murder from reading the New Braunfels Herald Zeitung online headline. The story about Eve Escobedo being charged in Murder was online as a statement of fact in the late summer/fall of 2023.

I read about Eve Escobedo confessing to the crime and being charged in murder from KSAT 12 online news. The story on KSAT 12 was online as a statement of fact as early as Winter of 2024.

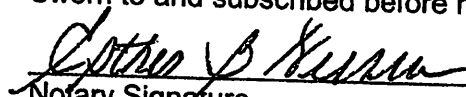

Blas Francisco Gonzalez
Hernandez

4-5-24
Date



STATE OF TEXAS
COUNTY OF BEXAR

Sworn to and subscribed before me on the 5th day of April 2024


Notary Signature

PASAPORTE
PASSPORT

Tipo/ Type	Clave del país de expedición/ Issuing state code
P	MEX

Passports No./
Passport No.
N03811732

Apellidos/ Surname
HERNANDEZ GONZALEZ

Normal Given names
BLAS FRANCISCO

Nationalidad/ Nationality

Fecha de nacimiento/ Date of birth

MEXICANA
CURP/Personal No

03 09 1976

HEGB760903HGTRNL00

Sexual Sex
M

Lugar de nacimiento/ Place of birth
CELAYA, GTO., MEX

Fecha de expedición/
Date of issue
20 09 2022

Fecha de caducidad/
Expiry date
20 09 2032

Observaciones:
Remarques:

Firma del Titular/Holder's Signature

Autoridad/ Authority

MARIO HUMBERTO ONTIVEROS
MORALES
CHICAGO

087392

P<MEXHERNANDEZ<GONZALEZ<<BLAS<FRANCISCO<<<<<
N038117324MEX7609033M3209206<<<<<<<<<<<<<02

Page 15

STATE OF TEXAS

DATE AND TIME 2-22-24COUNTY OF COMAL9:00 AM

BEFORE ME, the undersigned authority in and for the State and County aforesaid, this day personally appeared Abel Castillo who being by me duly sworn upon oath, deposes and says:

My name is Abel Castillo. My birthdate is October 24, 1962. My address is 1764 Lower Forty, New Braunfels Texas 78130. I can Be reached at 210-884-3607.

I am writing this affidavit for Eve Escobedo. I heard about Eve's issues with Law Enforcement in New Braunfels Comal County Texas in the Fall of August 2022 through social media and reading the news notice announcements through digital online media. The New Braunfels Herald-Zeitung and KSAT 12 News in San Antonio, Texas wrote an article about Eve Escobedo being charged in Murder in New Braunfels Comal County Texas. I know that as of the fall of 2023 the New Braunfels Herald still had the news story online for reading and public announcement. And I know that as of today KSAT 12 still has the news story and announcement active and available for notice and reading.

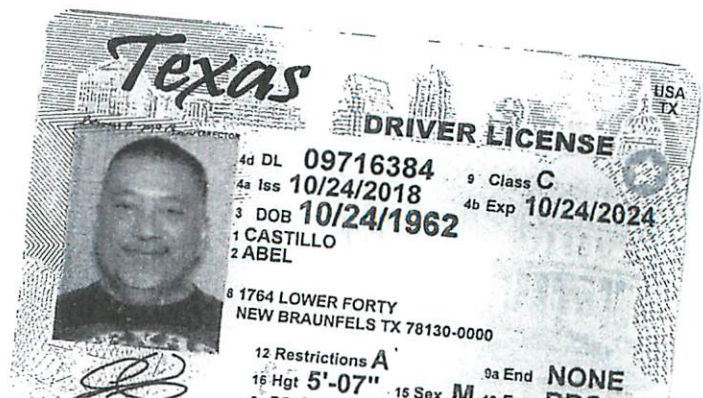
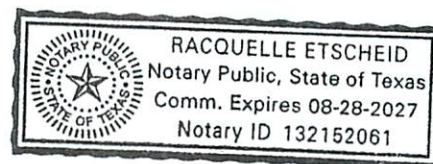


Signature _____

Abel Castillo

State of TEXASCounty of Comal

Sworn to and subscribed before
me on the 22 day of Feb. 2024
by Abel Castillo


Notary Signature


STATE OF INDIANA
COUNTY OF DEKALB

DATE AND TIME 2-22-24
12:45 p.m.

BEFORE ME, the undersigned authority in and for the State and County aforesaid, this day personally appeared Ronald Leroy Sudduth who being by me duly sworn upon oath, deposes and says:

My name is Ronald Leroy Sudduth. My birthdate is April 20, 1962. My address is 301 S. Garrison Street Lot 20, Ashley Indiana 46705. I can be reached at 260-701-2062.

I am writing this affidavit for Eve Escobedo. I read about Eve's issues with Law Enforcement in New Braunfels Comal County Texas in the Fall of August 2022 in reading social media and the news notice announcements through digital online media. The New Braunfels Herald-Zeitung and KSAT 12 News in San Antonio, Texas wrote an article about Eve Escobedo being charged in Murder in New Braunfels Comal County Texas. I know that as of the late Fall of 2023 the New Braunfels Herald still had the news story online for reading and public announcement. And I know that as of today KSAT 12 still has the news story and announcement active and available for notice and reading.

Signature Ronald L Sudduth
Ronald Leroy Sudduth

2-22-24

Debra K. DeLancey

NOTARY PUBLIC - STATE OF INDIANA
SEAL
DEBRA K DELANCEY
COMMISSION NUMBER NP0653151
MY COMMISSION EXPIRES APRIL 28, 2030



EXHIBIT B

(pages B1-B3)



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r/TexasMurders • 1 yr. ago
Abvhausen

Police: Woman charged with murder after trying to clean up evidence. Authorities identified the woman as 53-year-old Eve Escobedo.

KSAT



ksat.com

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1:21



Roxahne Adams



Roxahne Adams

Aug 8, 2022 · 🌐

I found this on NewsBreak: Police: Woman charged in murder after trying to clean up evidence.



➔ newsbreak.com

Police: Woman charged in murder after trying to clean up evidence - NewsBreak



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BREAKING
NEWS

HEADLINES

STORIES

BECOME A
PUBLISHER



8/6/2022 1:00 PM

ksatnews

Reading Time:

34 sec. here

2 min. at publisher

Quality Score:

News: 17%

Publisher: 53%

United States Headlines News



United States Latest News, United States Headlines

After self-reporting her crime, a woman has been charged with murder in Comal County.

Thirdparty media publishing
Story as fact, Head Topics:



EXHIBIT C

(pages C1-C3)

page c1

CRIME

Spring Branch woman accused of cleaning up area where boyfriend was found shot, authorities say

The suspect called authorities and said her boyfriend was dead after a "domestic dispute," according to the Comal County Sheriff's Office.



Author: KENS 5

Published: 7:34 PM CDT August 5, 2022

Updated: 8:04 PM CDT August 5, 2022



SPRING BRANCH, Texas — A Spring Branch woman faces charges of tampering with evidence after authorities discovered she tried to clean up the area where her boyfriend was found shot dead this week, according to the Comal County Sheriff's Office.

Eve Escobedo, 53, was also the one to call authorities Wednesday afternoon, telling them her boyfriend had died the day before as a result of "a domestic dispute." Responding authorities found the body of the 36-year-old victim, identified only as a Mexican man, with a "single gunshot wound."

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LOCAL NEWS

CCSO Investigating 'Domestic Dispute' That Left Spring Branch Resident Dead

by [Stephanie Johnson](#)

August 6, 2022



53-year-old Eve Escobedo is behind bars, charged with tampering with evidence in the Tuesday death of a Spring Branch resident. Image courtesy of Comal County Sheriff's Office.

10:25 5G 71%



Univision

0:41



Arrestan a mujer por asesinar a su novio en...

Watch >

Uploaded: Aug 8, 2022

La mujer identificada como Eve Escobedo de 53 años reportó haber asesinado a su novio presuntamente en defensa propia. La policía continúa investigando este caso en el que al parecer la sospechosa ...

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KSAT

Police: Woman charge...



Discover



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Collections

EXHIBIT D

(pages D1-D2)

Darian Trotter ✓

6.4K people like this including Albert Flores
News personality

9/10/23, 9:25 PM

Sir...I'm writing and praying that you will please give me a chance to share a personal story with you for help?

9/12/23, 2:17 PM

Please message the details here. Thanks

NEED
TIED
expressed
in my
fear of
all involved

I've got a meeting set up with quantel x, he has agreed to support my cause. I have been violated of my civil rights by corrupt law enforcement. I was arrested more than a year ago and my cause has not gone before a grand jury. I have lots to tell and prefer not to state anymore on this message. My character and reputation have been unjustifiable destroyed...and I'm fearful to trust law enforcement. I did make report to FBI and working on the state attorney documents, as well as violations to the texas state bar of attorneys for extrem violations...please help me

Sounds good

9/13/23, 11:46 AM

IIED
NIED



Good afternoon counselor.

I was so emotional yesterday with all my fear and confusion with the law.

I need you to please stay on my cause as primary counsel as agreed, and continue to help me. Thank you for understanding.

9/13/23, 12:44 PM

Ok. You definitely seem a little different yesterday and the time before in my office. Is everything ok? Other than the obvious

← I
not
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mo

9/13/23, 1:24 PM

All the waiting and process is just so scary and fearfull since I'm not acquainted with my rights or legal common process. And there has been no real communication with the attorney of record, or with you.

I have many many emotions and trying hard not to think about the process of the law. I'm sorry about yesterday I'm just scared and feel like the victim all over again.

9/13/23, 2:36 PM

Well we have met several times and spoken a bunch. That's what I'm here for. If you have questions or concerns I'm here to talk. I still think we should put a grand jury packet together to the District Attorney office

